

US Patent Application 09/930,422

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PETER AR-FU LAM

Examiner:
Buchanan, Christopher R

Serial No. 09/930,422

Group: 3627

Filed: 08/15/01

For: Body Profile Coding method
and apparatus useful for
assisting users to select
wearing apparel

Docket: BPCODE2

Hon. Commissioner of Patents
and Trademarks

October 30, 2009

Sir,

Declaration under 37 CFR 1.132

I hereby declare that:

1. This declaration is submitted according to 37 CFR 1.68 in lieu of an oath;
2. The applicant had been employed as a Supervisory Engineer of a TV Broadcasting company. The level of applicant's skill in the art of TV signal is well above that of a person having ordinary skill in the art.
3. The inventive process of the subject invention had involved effort trying to provide body measurements with a TV camera. Some inventive effort conceived by the applicant had been disclosed in the drawing and specification of the subject patent application. By the time the subject invention was filed, the applicant had experienced extreme difficulties to accurately using a TV camera to measure the body profile parameters of a human body. The difficulties were due to the slow frame rate of TV signal and also the low frequency response of the TV line signal (Appendix A).
4. The applicant had evaluated the system of prior art Spackova and found that the arrangement of Spackova was more challenging than the set up of the applicant

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as disclosed in the subject application to provide accurate measurements of body profile parameters. In addition to the difficulties caused by the nature of TV signals as described in item 3 herein, two more additional challenges were added to the arrangement of Spackova to achieve accurate body parameter measurements. The first challenge was due to the imbalanced position of the arms of the Figure 77. The position of the right arm of the figure 77, obstructed part of the torso when viewed by the camera while the other arm does not. The degree of obstruction varies according to the posture of different people standing in front of the camera and the orientation of the body from the camera. The second additional challenge is due to the normal operation condition of Spackova, that allows the person 77 to move during measurement (col. 4 lines 44-51).

5. According to the office action provided, the examiner insisted that the arrangement of Spackova can accurately measure the body parameters under the normal operation of Spackova. The applicant respectfully requests the examiner to provide step-by-step technical description, how such measurement can be accurately achieved from the set up of Spackova. The examiner is respectfully requested to explain how such measurement can be started from a typical TV signal illustrated in Appendix A attached herein. This TV signal waveform is a "typical TV line signal" by the time the invention was filed. The examiner is also requested to provide evidence ascertaining the level of skill to perform such measurement.
6. The applicant further declares that the subject invention is able to provide unexpected result. The unexpected result of the subject invention is a solution for a first person to present the BP code of a second person who may be a remote friend or relative, and to reliably buying a better fitted garment for said second person. This unexpected result is superior as compared with the standard garment size Indicator system of Aisaka due to inconsistent garment sizes varied according to different fitting criteria of different brands when interpreting a standard size indicator. The unexpected result had been recited in claims 24, 26, 27, 45, 51 as well as page 7, lines 17-18, and lines 27-33 of the subject specification. The examiner is respectfully requested to provide considerable weighing of the unexpected result at the end of the Graham inquiry.

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7. All responses to this declaration is respectfully requested to be presented in the form of an affidavit.
8. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;
9. The applicant understands that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



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Appendix A

U.S. Patent Jan. 13, 1976

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